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6 *Attorneys for Defendant Tezos Stiftung*

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 BRUCE MACDONALD, Individually and on)
Behalf of All Others Similarly Situated,)

12 Plaintiff,)

13 v.)

14 DYNAMIC LEDGER SOLUTIONS, INC., a)
15 Delaware corporation, TEZOS STIFTUNG, a)
Swiss Foundation, KATHLEEN BREITMAN,)
16 an Individual, ARTHUR BREITMAN, an)
Individual, TIMOTHY COOK DRAPER, an)
17 individual, DRAPER ASSOCIATES,)
JOHANN GEVERS, DIEGO PONZ, GUIDO)
18 SCHMITZ-KRUMMACHER, BITCOIN)
SUISSE AG, NIKLAS NIKOLAJSEN and)
19 DOES 1-100, INCLUSIVE,)

20 Defendants.)
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Case No. 3:17-cv-07095-RS

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SERVICE ON
DEFENDANTS RESIDENT OUTSIDE
THE UNITED STATES (ECF NO. 12)**

1 WHEREAS plaintiff commenced the above-captioned action on December 13, 2017;

2 WHEREAS on December 14, 2017, plaintiff filed an *ex parte* application asking the Court
3 to approve electronic service of defendants Tezos Stiftung (the “Foundation”), Johann Gevers,
4 Diego Fernandez, Guido Schmitz-Krummacher, Bitcoin Suisse AG, and Niklas Nikolajsen (ECF
5 No. 11);

6 WHEREAS on December 14, 2017, the Court entered an Order approving that request (the
7 “Order”) (ECF No. 12);

8 WHEREAS the undersigned parties have met and conferred regarding the topic of service
9 and the deadline for the undersigned defendants to answer, move to dismiss, or otherwise respond
10 to the complaint;

11 WHEREAS in order to avoid motion practice with respect to the Order or the issue of
12 service more generally, the Foundation, Mr. Gevers, Mr. Fernandez, Bitcoin Suisse AG, and Mr.
13 Nikolajsen (the “Stipulating Defendants”) have agreed to waive service of the summons and
14 complaint, and that they will not contest the validity of such waived service;

15 WHEREAS in exchange for the Stipulating Defendants’ agreement to waive service of the
16 summons and complaint, plaintiff has agreed to join the Stipulating Defendants in requesting that
17 the Court vacate that portion of the Order that allowed for them to be served electronically;

18 WHEREAS the Stipulating Defendants do not consent to, and in fact contest, the Court’s
19 exercise of personal jurisdiction over them as well as the propriety of venue of this action;

20 WHEREAS this stipulation has no bearing as to the Court’s Order as it pertains to any other
21 defendant;

22 NOW, THEREFORE, the undersigned parties hereby request that the Court vacate that
23 portion of its Order that allowed for the Stipulating Defendants to be served electronically, and
24 agree that the Stipulating Defendants’ deadline to answer, move to dismiss, or otherwise respond to
25 the complaint shall be March 6, 2018.

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1 Dated: January 5, 2017

Respectfully Submitted,

2 DAVIS POLK & WARDWELL LLP

3
4 By: /s/ Neal A. Potischman

5 Neal A. Potischman (SBN 254862)

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11 Dated: January 5, 2017

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Attorneys for Plaintiff

1 Dated: January 5, 2017

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3 By: /s/ Leo J. Presiado

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11 -and-

12 Sigmund S. Wissner-Gross (*pro hac vice to be*
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21 *Attorneys for Bitcoin Suisse AG and Niklas*
22 *Nikolajsen*

23 Dated: January 5, 2017

DIEGO OLIVIER FERNANDEZ PONS

24 By: /s/ Diego Olivier Fernandez Pons

25 Diego Olivier Fernandez Pons

26 *Pro Se*
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Dated: January 5, 2017

JOHANN GEVERS

By: /s/ Johann Gevers
Johann Gevers

Pro Se

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SIGNATURE ATTESTATION

Pursuant to Civil L. R. 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Reed R. Kathrein and Leo J. Presiado. For signatories not registered via ECF, I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

Dated: January 5, 2017 /s/ Neal A. Potischman
Neal A. Potischman

~~PROPOSED~~ ORDER

In accordance with the stipulation of the parties, the Court vacates the portion of its Order dated December 14, 2017 (ECF No. 12) that allowed for electronic service on defendants Tezos Stiftung, Johann Gevers, Diego Fernandez, Bitcoin Suisse AG, and Niklas Nikolajsen. This Order shall have no bearing on the Court's December 14, 2017 (ECF No. 12) Order as it applies to any other defendant. The foregoing defendants' deadline to answer, move to dismiss, or otherwise respond to the complaint shall be March 6, 2018.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: 1/5/18



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE